UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,154	09/28/2005	Ari Kahn	1061.002	3185

			EXAMINER
54434	7590	10/30/2006	NGUYEN, TUAN HOANG

BOOTH UDALL, PLC
1423 S. HIGLEY ROAD
SUITE 110
MESA, AZ 85206

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/551,154	KAHN, ARI
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*28 September 2005*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3 and 5-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3 and 5-21* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Priority

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 09/28/2005 has been

considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-3, 11-13, and 15-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Leskinen (US PAT. 6,085,081) in view of Nelson (U.S PUB.

2002/0101966).

Consider claim 1, Leskinen teaches a method of operating a communication system comprising a network infrastructure and a plurality of telephone terminals, the method comprising: allocating a telephone number to each of a plurality of subscribers (col. 3 lines 22-37); recording an identity code associated with each subscriber (col. 6 line 53 through col. 7 line 17); receiving data, entered via a telephone terminal, corresponding to the identity code of a subscriber (col. 10 lines 18-34).

Leskinen does not explicitly show that enabling the telephone terminal to make calls from and to receive calls made to the telephone number of said subscriber.

In the same field of endeavor, Nelson teaches enabling the telephone terminal to make calls from and to receive calls made to the telephone number of said subscriber (see fig. 3a page 4 [0038]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, enabling the telephone terminal to make calls from and to receive calls made to the telephone number of said subscriber, as taught by Nelson, in order to provide subscribers to control and monitor the amount of money they spend on all of their telecommunications services.

Consider claim 2, Leskinen further teaches entering data via a keypad of the telephone terminal (col. 10 lines 18-34).

Consider claim 3, Leskinen further teaches entering data from a data storage token via at least one of a token reader, a smart card reader and an inductive card reader associated with the telephone terminal (col. 5 lines 20-49).

Consider claim 11, Leskinen teaches a communication system comprising: a network infrastructure including a plurality of network nodes through which telephone terminals can access the network infrastructure (col. 3 lines 22-37); a control center with an associated database, the database storing data corresponding to telephone numbers allocated to subscribers to the system (col. 6 line 53 through col. 7 line 17) and respective subscriber identity codes, the control center being operable, on receipt of a valid identity code, to transmit a terminal enabling signal; (col. 10 lines 18-34).

Leskinen does not explicitly show that a plurality of telephone terminals, each telephone terminal being operable to receive data corresponding to the identity code of a subscriber to the system and to transmit said data to the control center via a network node, the telephone terminal being enabled, in response to receipt of the terminal enabling signal by the respective network node, to make and receive calls via the network infrastructure using the identity of the subscriber.

In the same field of endeavor, Nelson teaches a plurality of telephone terminals, each telephone terminal being operable to receive data corresponding to the identity code of a subscriber to the system and to transmit said data to the control center via a network node, the telephone terminal being enabled, in response to receipt of the

terminal enabling signal by the respective network node, to make and receive calls via

the network infrastructure using the identity of the subscriber (see fig. 3a page 4 [0038]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to use, a plurality of telephone terminals, each telephone

terminal being operable to receive data corresponding to the identity code of a

subscriber to the system and to transmit said data to the control center via a network

node, the telephone terminal being enabled, in response to receipt of the terminal

enabling signal by the respective network node, to make and receive calls via the

network infrastructure using the identity of the subscriber, as taught by Nelson, in order

to provide subscribers to control and monitor the amount of money they spend on all of

their telecommunications services.

Consider claim 12, Leskinen further teaches each telephone terminal includes a

token reader arranged to read data from a data storage token presented by a subscriber

(col. 5 lines 20-49).

Consider claim 13, Leskinen further teaches the token reader is a smart card

reader or an inductive card reader (col. 5 lines 20-49).

Consider claim 15, Nelson further teaches at least some of the terminals include

a token reader/writer operable to read a credit value from a data storage token

presented by a subscriber, and a processor operable to enable the telephone if the

credit value exceeds a predetermined value and to cause the token reader/writer to reduce the credit value according to the cost of calls made (page 1 [0009] and [0010]).

Consider claim 16, Leskinen further teaches the token reader is at least one of a magnetic card reader, an optical card reader, a smart card reader and a non-contact card reader (col. 5 lines 20-49).

5.   Claims 5-10, 14, and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leskinen (US PAT. 6,085,081) in view of Nelson (U.S PUB. 2002/0101966), and further in view of Bunn et al. (U.S PUB. 2002/0110098, hereinafter "Bunn").

Consider claim 5, Leskinen and Nelson, in combination, fails to teaches the data includes the subscriber's telephone number and identity code.

However, Bunn teaches the data includes the subscriber's telephone number and identity code (page 5 [0041]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Bunn into view of Leskinen and Nelson, in order to provide a method assigns a predefined access time for each of wireless devices. The method also assigns a predefined length of time during which each of wireless devices will have access to wireless network.

Consider claim 6, Bunn further teaches the enabling of the telephone terminal to make calls includes the enabling of billing of the subscriber for calls made from the enabled telephone terminal (page 2 [0024]).

Consider claim 7, Bunn further teaches the subscriber has an account with the operator of the communications network which can be billed for calls made (page 2 [0028]).

Consider claim 8, Nelson further teaches the account is a prepaid account (page 2 [0020]).

Consider claim 9, Nelson further teaches the account is a credit account (page 2 [0020]).

Consider claim 10, Nelson further teaches the telephone terminal is enabled for the subscriber if a credit value associated with the account exceeds a predetermined value, wherein the credit value is reduced according to the cost of the calls made (page 1 [0009] and [0010]).

Consider claim 14, Bunn further teaches a billing center which monitors calls made by subscribers and charges the calls to subscribers' accounts (page 2 [0024]).

Consider claim 17, Bunn further teaches the data storage token comprising: a

substrate; a data storage element operable to store data defining a telephone number

allocated to a subscriber to the system (page 5 [0041]); and an interface telephone

terminal of the system to the subscriber to the system (page 5 [0041]).

Consider claim 18, Leskinen further teaches the data storage element is

arranged to store (col. 6 line 53 through col. 7 line 17), in addition to data defining the

subscriber's telephone number, data defining an identity code associated with the

subscriber (col. 10 lines 18-34).

Consider claim 19, Leskinen further teaches the identity code takes the form of at

least one of a user-selected personal identity number (PIN) and a security code (col. 2

lines 34-38 and col. 5 lines 20-48).

Consider claim 20, Leskinen further teaches arranged to store data defining user

information to be transmitted to the recipient of a call made by the subscriber, to the

subscriber to the recipient (col. 2 lines 34-53).

Consider claim 21, Leskinen further teaches the user information is determined

by the subscriber (col. 2 lines 54-64).

Conclusion

6.   Any response to this action should be mailed to:

>   Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

>   Commissioner for Patents

>   P.O. Box 1450

>   Alexandria, VA 22313-1450

>   Facsimile responses should be faxed to:

>   (571) 273-8300

>   Hand-delivered responses should be brought to:

>   Customer Service Window

>   Randolph Building

>   401 Dulany Street
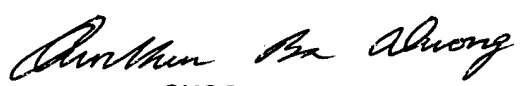
>   Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

10/23/06

QUOCHIEN B. VUONG
PRIMARY EXAMINER